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IA No.GA/49/2020  
In  
CS/1147/1947

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

SMT. SAILI GHOSH & ORS.  
Versus  
DEBAPRIYO SEN & ORS.

BEFORE:  
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA  
Date : 4<sup>th</sup> March, 2021.

The Court: The order passed by this Court on 21<sup>st</sup> December, 2020 contains certain words for which the concerned department has been unable to draw up and complete the order. The confusion arises from the use of plural in some cases when the applicant is a single entity. The order is accordingly corrected in the following manner as indicated below:

“Learned counsel appearing for the applicant submits that heir of the five groups have been performing the Sheba Puja and periodical festivals of the Deity and managing the properties allotted to them as the Shebaites for the benefit of the Deity. Each of the five groups are well-demarcated individual groups. It is also submitted that the properties allocated to the five groups of Shebaites by way of the Scheme are tenanted properties from which

income is derived by the Shebaites. Counsel places various orders by which the properties allocated were permitted to be developed for ensuring better income from the properties allocated.

The immediate ground for making this application is an offer letter dated 11<sup>th</sup> January, 2020 from one Ananda Neer Developers and Promoters which has been received by the applicant who is the heir of the fifth group of Shebaites of Pratul Chandra Dey and Purna Chandra Dey (defendant nos.2 and 3 in the Civil Suit of 1947). Counsel submits that the applicant may be given leave to negotiate with the tenants and occupiers and act in pursuance of the offer letter for developing the property in question. The present applicant is defendant no.2A-i.

On hearing learned counsel, this Court is of the view that, since the properties between the five groups of Shebaites were clearly demarcated by way of the Scheme framed following the final decree of 9<sup>th</sup> April, 1959, there can be no impediment to passing the orders prayed for in this application. A Plan disclosed with the application that indicates clear demarcation by way of colour where Lot C(3) in which the applicant is interested, is shown in green. There is no overlapping of this Lot with any of the other Lots which, as submitted by counsel, are occupied by the other groups of the Shebaites.

Earlier orders passed in respect of other properties by the Court show that similar orders were passed where prayers for developing the properties allocated to the Shebaites were granted.

In view of the above, GA No.49 of 2020 is allowed in terms of prayers (a), (b), (c) and (d). The applicant is given leave to develop and promote the property as shown in the Plan (Lot C(3)) in terms of the offer letter received by the applicant and enter into agreements with the tenants and the other present occupiers of the property for facilitating construction on the plot of land.

The applicant is also permitted to invest the consideration money out of development of the property or any amounts thereof in a fixed deposit or any other beneficial account in the name of the Deity as Shebaites of the said Deity.

GA No. 49 of 2020 is disposed of in terms of the above.”

Let these corrections be made part of the order dated 21<sup>st</sup> December, 2020.

(MOUSHUMI BHATTACHARYA, J.)